

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
§
vs. § NO: WA:12-CR-00109(1)-ADA
§
(1) DANIEL GOMEZ MELENDEZ §

ORDER ACCEPTING REPORT AND RECOMMENDATION .
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On May 11, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) DANIEL GOMEZ MELENDEZ, which alleged that Melendez violated a condition of his supervised release and recommended that Melendez 's supervised release be revoked (Clerk's Document No. 57). A warrant issued and Melendez was arrested. On May 17, 2023, Melendez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Melendez appeared before the magistrate judge on August 22, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on August 22, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Melendez, the magistrate judge recommends that this court revoke Melendez supervised release and that Melendez be sentenced to imprisonment for Eighteen (18) months, imprisonment to be served concurrently with any sentence from McLennan County for the charges indicated in Violation Number 4, with credit for time served, and no supervised release to follow (Clerk's Document No. 80).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On August 22, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 77). The court, having reviewed the entire record and finding no plain error, accepts

and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 80) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) DANIEL GOMEZ MELENDEZ's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) DANIEL GOMEZ MELENDEZ be imprisoned for Eighteen (18) months imprisonment to be served concurrently with any sentence from McLennan County for the charges indicated in Violation Number 4, with credit for time served, and no supervised release to follow.

Signed this 29th day of August, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE